

Item #11a - Executive Director's Report



Michael B. MacDonald, Chair
Jerett Yan, Vice-Chair
Avi Klein
Arvon Perteet
Joe Tuman

Whitney Barazoto, Executive Director

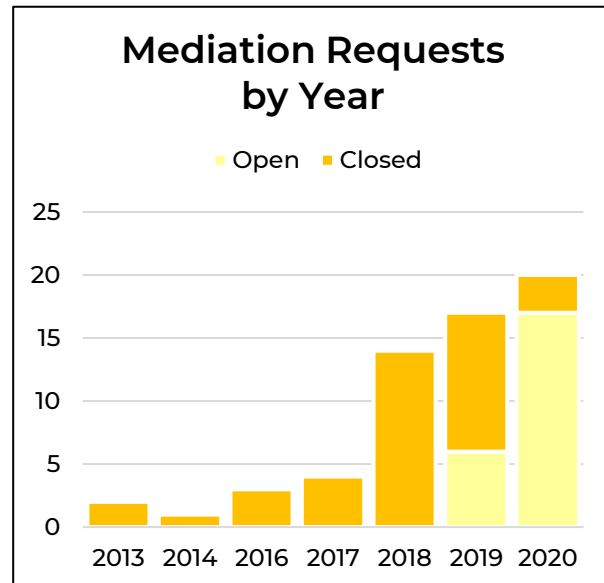
TO: Public Ethics Commission
FROM: Whitney Barazoto, Executive Director
DATE: April 20, 2021
RE: Executive Director's Report for the May 3, 2021, PEC Meeting

This memorandum provides an overview of the Public Ethics Commission's (PEC or Commission) significant activities this past month that are not otherwise covered by other program reports. The attached overview of Commission Programs and Priorities includes the ongoing goals and key projects for 2020-21 for each program area. (Commission Programs and Priorities attached)

Mediations

Pursuant to the Oakland Sunshine Ordinance, the Commission conducts mediation of public records requests made by members of the public to City departments for records within the department's control. Following the mediation, Commission staff provides a written summary of the mediation to the Commission and can also make recommendations for further Commission action. The following two mediations were conducted by staff and subsequently closed this past month (reports attached):

1. In the Matter of the Planning and Building Department (Case No. M2020-07); (Mediation Summary attached)
2. In the Matter of the Planning and Building Department (Case No. M2020-14); (Mediation Summary attached)



Process Improvements

In April, Commission staff engaged in consultations with the Human Services Department and the Planning and Building Department to assist with the development and refining of disclosure tools intended to help employees understand and disclose potential conflicts that may arise in grant, contract, and other application processes where employees are participating in the proposal evaluation process. Likewise, staff will reach out to the Housing and Community Development Department to engage with program supervisors to incorporate similar tools following closure of the enforcement items on the May PEC meeting agenda.

Budget and Staffing

As part of the Budget process, Commission staff proposed to the City Administrator that Form 700 filing officer duties be transferred from the City Clerk's Office to the Public Ethics Commission so that all filing officer duties (campaign finance, lobbyist registration, etc) are consolidated with the Commission. Commission staff met with the City Clerk to discuss the option, and both offices agreed to shift the filing duty for Board and Commission members to the Commission, and the City Clerk will retain the filing duty for elected officials and City staff. The two offices will meet with the vendor, Netfile, in the coming months to discuss logistics of the split duty, with the planned transition anticipated to occur by January 1, 2022.

In addition, Commission staff have been participating in budget discussions regarding its budget proposal, which included new position requests to address increased enforcement unit needs and to implement equity changes in campaign finance. The Mayor's budget proposal is scheduled for release on May 1, to go through City Council through the end of June.

Item #11a - Executive Director's Report

PUBLIC ETHICS COMMISSION Programs and Priorities 2021

Program	Goal	Desired Outcome	Key Projects for 2021
Lead/ Collaborate (Policy, Systems, Culture)	PEC facilitates changes in City policies, laws, systems, and technology and leads by example to ensure fairness, openness, honesty, integrity and innovation.	Effective campaign finance, ethics, and transparency policies, procedures, and systems are in place across City agencies	<ol style="list-style-type: none"> 1. Oakland Sunshine Report Card, ongoing compliance 2. Campaign Finance Redesign 3. Form 700 Filing Officer Duty Transition
Educate/ Advise	Oakland public servants, candidates for office, lobbyists, and City contractors understand and comply with City campaign finance, ethics, and transparency laws.	The PEC is a trusted and frequent source for information and assistance on government ethics, campaign finance, and transparency issues; the PEC fosters and sustains ethical culture throughout City government.	<ol style="list-style-type: none"> 1. Ethics training and advice: a) elected officials, b) City employees (1000), b) board/commission members, and c) consultants 2. Sunshine training 3. New trainings as needed for diversion
Outreach/ Engage	Citizens and regulated community know about the PEC and know that the PEC is responsive to their complaints/questions about government ethics, campaign finance, or transparency concerns.	The PEC actively engages with clients and citizens demonstrating a collaborative transparency approach that fosters two-way interaction between citizens and government to enhance mutual knowledge, understanding, and trust.	<ol style="list-style-type: none"> 1. Sunshine mediations 2. Communications/outreach to client groups 3. PEC social media outreach
Disclose/ Illuminate	<p>PEC website and disclosure tools are user-friendly, accurate, up-to-date, and commonly used to view government integrity data.</p> <p>Filing tools collect and transmit data in an effective and user-friendly manner.</p>	<p>Citizens can easily access accurate, complete campaign finance and ethics-related data in a user-friendly, understandable format.</p> <p>Filers can easily submit campaign finance, lobbyist, and ethics-related disclosure information.</p>	<ol style="list-style-type: none"> 1. Filing Officer/Compliance – assess, follow-up, and refer 2. Government Integrity E-Data Project – Lobbyist Registration, Form 700, Form 803, Show Me the Money App 3. Open Disclosure – continue coordination and development
Detect/ Deter	PEC staff proactively detects potential violations and efficiently investigates complaints of non-	Public servants, candidates, lobbyists, and City contractors are motivated to comply with	<ol style="list-style-type: none"> 1. Investigations 2. Add part-time investigator to assist 3. Collaborate with other government law enforcement agencies

Item #11a - Executive Director's Report

	compliance with laws within the PEC's jurisdiction.	the laws within the PEC's jurisdiction.	
Prosecute	Enforcement is swift, fair, consistent, and effective.	Obtain compliance with campaign finance, ethics, and transparency laws, and provide timely, fair, and consistent enforcement that is proportional to the seriousness of the violation.	<ol style="list-style-type: none"> 1. Conduct legal analyses, assess penalty options, negotiate settlements, make recommendations to PEC 2. Case priority: 1) the extent of Commission authority to issue penalties, 2) the impact of a Commission decision, 3) public interest, timing, and relevancy, and 4) Commission resources. 3. Resolve all 2016 cases
Administration/ Management	PEC staff collects and uses performance data to guide improvements to program activities, motivate staff, and share progress toward PEC goals.	PEC staff model a culture of accountability, transparency, innovation, and performance management.	<ol style="list-style-type: none"> 1. Annual Report 2. Budget – new positions 3. Enforcement database upgrade 4. Review data to adjust activities throughout the year 5. Ongoing: professional development and staff reviews